

Application No. 10/618,693
Reply to Office Action of December 13, 2004

and/or examples, to support any conclusion in regard to patentable distinctness (M.P.E.P. § 803). Applicants respectfully traverse the restriction requirement on the grounds that the Examiner has not carried the burden of providing sufficient reason and/or examples to support any conclusion that the claims of the restricted groups are patentably distinct.

The Examiner states that "Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions and effects in that they are employed in the making of polyurethane and polyisocyanurate articles, respectively."

However, the Examiner has not provided a sufficient example or reason to support the criteria required under M.P.E.P. § 806.04 and 808.01. Therefore, the Examiner's reasoning is nearly a restatement of the Examiner's conclusion that the two groups are patentable distinct. As the Examiner has provided no reasons in support of this belief, the Examiner has not met the burden placed upon him, and accordingly, the restriction is believed to be improper and should be withdrawn.

Applicants submit this application is now in condition for examination on the merits and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Donald K. Drummond, Ph.D.
Registration No. 52,834

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)